

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CONNECTU LLC,
Plaintiff,

v.

MARK ZUCKERBERG, EDUARDO
SAVERIN, DUSTIN MOSKOVITZ,
ANDREW MCCOLLUM, CHRISTOPHER
HUGHES, and FACEBOOK, INC.,
Defendants.

MARK ZUCKERBERG, and
FACEBOOK, INC.,
Counterclaimants,

v.

CONNECTU LLC,
Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,
Additional Defendants on Counterclaims.

Civil Action No.: 04-11923-DPW

Judge Douglas P. Woodlock

Magistrate Judge Robert B. Collings

**FACEBOOK DEFENDANTS' MOTION TO
RESCHEDULE MOTION HEARING SET FOR FEBRUARY 24, 2006**

Defendants Mark Zuckerberg ("Zuckerberg"), Dustin Moskovitz, Andrew McCollum, Christopher Hughes, and Facebook, Inc. ("Facebook") (collectively, "Facebook Defendants")¹ respectfully move this Court to reschedule the Friday, February 24, 2006 motion hearing in this case until Friday, March 3, 2006 or Friday, March 17, 2006.

In support of this motion, Facebook Defendants state as follows:

¹ Defendant Eduardo Saverin is represented by separate counsel in this matter.

1. Facebook Defendants' lead trial counsel, I. Neel Chatterjee, Esq., is scheduled to be on trial in another matter, *Inxight Software, Inc. v. Verity, Inc.* (Case No. 05-01660 SC) in the U.S. District Court for the Northern District of California, starting February 21, 2006. This trial is expected to last approximately two (2) weeks. Also, Mr. Chatterjee is unable to travel in the next few weeks due to family considerations (Mr. Chatterjee and his wife are expecting a child).

2. In addition, Facebook Defendants' senior counsel, Monte M.F. Cooper, Esq. will be unavailable due to scheduled licensing negotiations involving a Japanese-based company who is flying more than 20 senior managers and engineers to San Francisco for these negotiations during the period of March 3 - 10, 2006. Despite this fact, Mr. Cooper has the approval of his Japanese client to be absent from the meetings on March 3, but not thereafter. Mr. Cooper has no conflicts on March 17, 2006, and as a result, that date is the most preferable for the Facebook Defendants.

3. Given the scope of the hearing scheduled for February 24, 2006 – covering six (6) pending discovery motions in this case – it is important that either Mr. Chatterjee or Mr. Cooper attend the hearing on behalf of the Facebook Defendants.

4. Furthermore, the parties are also set for oral argument on February 24, 2006 in a co-pending case in California State Court, *Facebook, Inc. v. ConnectU LLC et al.* (Case No. 105 CV 047381). This oral argument was scheduled before the hearing notice received in the present case. Two of Facebook Defendants' counsel will be attending that hearing in California.

5. Facebook Defendants' explained the above-reasons to counsel for ConnectU, but ConnectU's counsel has refused to assent to this motion, saying counsel has already made arrangements for the February 24, 2006 hearing.

WHEREFORE, it respectfully requested that the Court reschedule the motion hearing to Friday, March 17, 2006, or in the alternative, Friday, March 3, 2006.

Certification Pursuant to Local Rule 7.1

The undersigned attorney hereby certifies that counsel for the parties have twice conferred in an attempt to resolve or narrow the issues presented by this motion, and that counsel for plaintiff ConnectU, Inc., Troy E. Grabow, Esq., refused to assent to this motion.

Dated: February 8, 2006.

Respectfully submitted,

DEFENDANTS ZUCKERBERG, MOSKOVITZ,
MCCOLLUM, HUGHES, and FACEBOOK, INC.

By their Attorneys,

/s/ Robert D. Nagel /s/

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